REMARKS/ARGUMENTS

This Amendment is submitted in response to the first Official Action of November 14, 2006. Reconsideration and allowance of claims 1-15 in the application are respectfully requested.

The Office Action rejects claims 1, 2, 3, 7, 13 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,368,339 to Curtis Amplatz (the Amplatz '339 patent). This rejection is respectfully traversed.

Before it is appropriate to reject a claim as being anticipated under 35 U.S.C. §102(b), it is required that the single reference being relied upon must teach a device having each and every element and structural limitation of the claim sought to be anticipated. The Amplatz '339 fails in this regard.

Independent claim 1 calls for a collapsible medical device that comprises an outer metal fabric surrounding an inner metal fabric where the outer and inner metal fabrics each have a plurality of braided metal strands. The Amplatz '339 patent only teaches a single metal fabric and not a device where there is an outer metal fabric **surrounding** an inner metal fabric, Figuratively speaking, it can be compared to wearing two pairs of socks, i.e., a sock within a sock. If the Examiner persists in the present rejection, it is respectfully requested to identify where in the Amplatz '339 patent there is any teaching or suggestion of a medical device meeting the above-mentioned limitation of independent claim 1. In that independent claim 1 is free of the art, dependent claims 2, 3, 7, 13 and 14 are not anticipated either.

The Office Action next rejects claims 4, 5, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over the Amplatz '339 patent in view of U.S. Patent 6,168,622 to Mazzocchi. This rejection is also respectfully traversed in that neither of these two references discloses a medical device comprising an outer metal fabric surrounding an inner metal fabric in the sock-within-a-sock analogy. As is pointed in applicants' specification, the present invention provides a way of increasing the wire density of the device and, hence, its occlusive properties without significantly increasing the relative stiffness of the device and its ability to be stretched to a lesser diameter for placement

within the lumen of a delivery catheter. As is further explained in applicants' specification, there is a practical limit on the size and cost of a braiding machine if one were to try to increase the occluding properties by increasing the number of strands of wire contained in a single fabric layer. It is submitted that applicants have made a technical advance worthy of a patent grant.

Turning next to claims 6, 8, 9 and 12, they have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Amplatz '339 reference in view of U.S. Patent 6,168,615 to Ken et al. The Office Action erroneously asserts that the Amplatz '339 patent discloses a collapsible medical device shaped to occlude an abnormal opening in a vascular organ that comprises **an outer metal fabric surrounding an inner metal fabric** where each fabric has a plurality of braided metal strands with an expanded preset configuration. As pointed out above, the device described in the Amplatz '339 patent comprises only a single metal fabric layer. There is nothing in the Ken '615 reference that would lead one to applicants' approach for improving the occlusive properties of a vascular occluder locating a first braided fabric layer within a second braided fabric layer.

This same argument advanced above holds true for the rejection of claim 15 based upon the combination of the Amplatz '339 patent in view of Gainor et al. 6,911,037. In that Amplatz '339 patent fails to teach the essential feature of having an outer metal fabric surrounding an inner metal fabric called for by independent claim 1 and because this limitation is not supplied by the Gainor et al. '037 reference, this rejection must also be withdrawn. It cannot be said that the frame 34 (Figure 4 of the '037 patent) is a fabric or that the membranes 22, 32 comprise **metal** fabrics as called for by the limitations of dependent claim 15.

For the reasons advanced, then, applicants' invention as defined by independent claim 1 and as further limited by dependent claims 1-15 are patentable over the prior art and, hence, a Notice of allowance is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment in response to the Official Action of November 14, 2006, in application Serial No. 10/804,993, filed on March 19, 2004, of Kurt Amplatz, et al. entitled "Multi-Layer Braided Structures for Occluding Vascular Defects" are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on November 21, 2006.

Date of Signature: November 21, 2006.

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